

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,
-----X
- against -

TOM SIMEO,
-----X
Defendant.

USDC SDNY
DOCUMENT
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19 Civ. 08621 (PGG) (RWL)

ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

On July 20, 2020, Plaintiff SEC filed a letter with the Court advising of Defendant Simeo's failure to provide initial disclosures and to issue discovery requests. (Dkt. 26.) On July 21, 2020, the Court issued an order directing Defendant to respond to the SEC's letter. (Dkt. 27.) Defendant filed no response.

On August 11, 2020, Plaintiff SEC filed a letter with the Court again advising of Defendant Simeo's failure to provide initial disclosures and to propound discovery requests and, in addition, to respond to Plaintiff's discovery requests. (Dkt. 28.) On August 18, 2020, the Court issued an order directing that any response from Defendant be filed by August 24, 2020. (Dkt. 31.) No response has been filed.

Fact discovery is scheduled to close on September 16, 2020. (Dkt. 22.)

Accordingly, the Court orders that Defendant provide initial disclosures and comply with the discovery requests served on him, and issue any discovery requests directed to others, no later than **September 2, 2020**. By **September 7, 2020**, Plaintiff SEC shall advise the Court whether Defendant has complied. In the event Defendant fails to comply, a telephonic hearing will be held on **September 9, 2020 at 10:00 a.m.** at which

Defendant shall show cause why he should not be precluded from: (1) calling at trial or relying on, for summary judgment, any witness not listed in the SEC's initial disclosures; (2) introducing at trial or relying on, for summary judgment, any document that the SEC has not produced to Defendant and which is not publicly available; and (3) propounding any requests for production or interrogatories. To participate in the telephonic hearing, the parties shall call the teleconference line at **(888) 398-2342** and enter access code **9543348**. If Plaintiff fails to appear for the hearing, the foregoing relief will be granted.

SO ORDERED.



ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: August 26, 2020
New York, New York

Copies transmitted to all counsel of record.